

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON

Plaintiff

v.

TARGET ADVANCE LLC

Defendant

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:

CIVIL ACTION

NO. 18-2070

O R D E R

AND NOW, this 16th day of April 2019, upon consideration of Defendant's *motion to dismiss*, [ECF 21], Plaintiff's response in opposition, [ECF 22], this Court's Order converting Defendant's motion into a motion for summary judgment and allowing supplemental briefing, [ECF 23], Defendant's supplemental brief, [ECF 24], and Plaintiff's supplemental brief, [ECF 25], it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum Opinion, Defendant's motion is **GRANTED**, *in part*, as follows:

- (1) the motion is **GRANTED** with respect to Counts III and IV, and Counts III and IV are dismissed for a lack of standing; and
- (2) the motion is **DENIED** in all other respects.

Defendant shall file an answer to the amended complaint within fourteen (14) days of this Order.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court